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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,291	02/23/2004	Takashi Moriguchi	848075/0073	2076
29619	7590	02/24/2006	EXAMINER	
SCHULTE ROTH & ZABEL LLP			KARIKARI, KWASI	
ATTN: JOEL E. LUTZKER			ART UNIT	PAPER NUMBER
919 THIRD AVENUE				2686
NEW YORK, NY 10022				

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/785,291	MORIGUCHI ET AL.	
	Examiner	Art Unit	
	Kwasi Karikari	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 February 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 23 February 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 2 recites the broad recitation "orthogonal substantially", and the claim also recites "axial line" which is the narrower statement of the range/limitation.

Claim Objections

2. Claims 2-6,7 and 9 are objected to because of the following informalities:
Applicant uses "A mobile terminal" in claims mentioned above. Examiner suggests using "The mobile terminal". For examination purposes the Examiner will replace "A mobile terminal" with "The mobile terminal". Appropriate correction is required.

3. ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,3,5,6,7 and 9 are rejected under U.S.C. 103(a) as being unpatentable over Shimamura et al., (U.S. 20030153372 A1), (hereinafter Shimamura), in view of Lee (U.S. 20040198433 A1), (hereinafter Lee).

Regarding claim 1, Shimamura discloses a mobile terminal device with a camera (cellular phone including a camera section, see Par. [0055] and Fig. 7A-D) comprising: two casings which are overlapped on each other (see casings 300 and 100, Fig. 7B); connecting section (biaxial hinge 300, see Fig. 1A-C) for connecting said two casings so that said two casings rotate around an axial line in parallel with a direction in which said two casings are overlapped (see Par. [0069]); and a camera (see item 121, Fig. 3C); but fails to teach that the camera module disposed inside of said connecting section with an optical axis of said camera module in parallel with said axial line.

Lee teaches a portable wireless terminal 100 including a camera inside a hinge (see Par. [0029] and Fig. 1).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Lee into the system of Shimamura for the benefit of achieving a portable wireless terminal with expanded range of photographic angle.

Regarding **claim 2**, as recited in claim 1, Shimamura further discloses the mobile terminal device with a camera further comprising:

a display section which displays an image which is taken by said camera module, wherein said display section is disposed so as to be orthogonal substantially to said axial line of either one of said two casings (see Par. [0097] and item 202 in Fig. 7A-D).

Regarding **claim 3**, as recited in claim 1, Shimamura further discloses the mobile terminal device with a camera further comprising:

a sensor which measures a relative angle made by one of said two casings on which said camera module is disposed and the other of said two casings on which said display section is disposed, wherein an image which is taken by said camera module is displayed on said display section in a rotated manner according to the measurement result by said sensor (camera sense user image and records his/her image and displays the image on the display unit 202, see Par [0076-77 and 0097]).

Regarding **claim 5**, as recited in claim 3, Shimamura further discloses the mobile wherein an image which is taken by said camera module is rotated by 90 degrees with

no change to the aspect ratio of said image and then is displayed on said display section when the measurement result is that said relative angle is 90 degrees (display control section 114 control and convert the displayed content, (see Par. [0070-71]).

Regarding **claims 6**, as recited in claims 1, Shimamura further discloses the mobile terminal device with a camera is a portable telephone see Fig. 7A-D).

Regarding claim 7, Shimamura discloses a mobile terminal device with a camera (cellular phone including a camera section, see Par. [0055] and Fig. 7A-D), comprising:

two casings which can be overlapped on each other (see casings 300 and 100, Fig. 7B);

a connecting section (biaxial hinge 300, see Fig. 1A-C) for connecting said two casings so that said two casings rotate around an axial line in parallel with a direction in which said two casings are overlapped, wherein said connecting section has a fixed base member which is fixed on one of said two casings and a movable base member which is fixed on the other of said two casings and is fit in the peripheral surface of said fixed base member rotatably around said axial line (see Fig. 3A);

a hollow space provided in said fixed base member (biaxial hinge with metal pivot shaft, see Par. [0045]), but fails to teach the camera module is disposed inside of said hollow space, with an optical axis in parallel with said axial line.

Lee teaches a portable wireless terminal 100 including a camera inside a hinge (see Par. [0029] and Fig. 1).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Lee into the system of Shimamura for the benefit of achieving a portable wireless terminal with expanded range of photographic angle.

Regarding **claims 9**, as recited in claim 7, Shimamura further discloses the mobile terminal device with a camera is a portable telephone (see Fig. 7A-D).

4. Claim 4 is rejected under U.S.C. 103(a) as being unpatentable over Shimamura in view of Lee and further in view of Priestman et al. (20050245288 A1) (hereinafter Priestman).

Regarding **claim 4**, as recited in claim 2, the combination of Shimamura and Lee fail to teach that said cameral module is fixed to said casing in which said display section is disposed.

Priestman teaches that said cameral module is fixed to said casing in which said display section is disposed (see Par. [0061] and Fig. 2B, item 124).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Priestman into the system of Shimamura and Lee for the benefit of achieving a mobile telephone handset that includes a camera that is protected by the door cover of the handset.

5. **Claim 8 is rejected under U.S.C. 103(a) as being unpatentable over Shimamura in view of Lee and further in view of Priestman and further in view of Wakabayaski et al. (U.S. 5,666,565), (hereinafter Wakabayashi).**

Regarding **claim 8**, as recited in claim 7, the combination of Shimamura, Lee and Priestman fail to teach that the mobile terminal device with a camera further comprising: a fixed cylinder as part of said camera module, which acts as a casing for said camera module; a cam cylinder as part of said camera module, which is fit in the peripheral surface of said fixed cylinder movably along said axial line; a linear groove provided on the peripheral wall of said fixed cylinder in parallel with said axial line; a cam groove provided on the peripheral wall of said cam cylinder in parallel with said axial line; and a pin provided with a lens on the tip thereof, which penetrates said linear groove to connect with said cam groove movably along said axial line.

Wakabayashi teaches a fixed cylinder (4) as part of said camera module, which acts as a casing for said camera module;

a cam cylinder as part (16) of said camera module, which is fit in the peripheral surface of said fixed cylinder movably along said axial line;

a linear groove (10a) provided on the peripheral wall of said fixed cylinder in parallel with said axial line;

a cam groove (16a) provided on the peripheral wall of said cam cylinder in parallel with said axial line; and

a pin provided with a lens on the tip thereof (lens group 12), which penetrates said linear groove to connect with said cam groove movably along said axial line (see column 4, lines 20-60).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Wakabayashi into the system of Shimamura, Lee and Priestman for the benefit of achieving a portable terminal device that includes camera with focal length varying mechanism.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mizuta et al. (U.S. 20030064758 A1) teaches a foldable portable information terminal.

Ohno (U.S. 20040127262) teaches a cellular telephone .

Ozaki (U.S. 20020061770 A1) teaches an opening /closing type portable information terminal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwasi Karikari whose telephone number is 571-272-8566. The examiner can normally be reached on M-F (8 am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8566.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kwasi Karikari
Patent Examiner.

Jemica M. Beamer
TEMICA BEAMER
PRIMARY EXAMINER
2/21/04